

**PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378 (c))**

Docket Number (Optional)

B30-006

#31

RECEIVED

Mail to: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Fax: (571) 273-8300

FEB 15 2011

02/10/2011 DALLEN 00000013 5840285

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3695.00 OP

OFFICE OF PETITIONS

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

Patent No. 5,840,285

Application Number 08/154,562

Issue Date November 24, 1998

Filing Date November 19, 1993

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

Also complete the following information, if applicable

The above - identified patent

☐

Is a reissue of original Patent No. _____ original issue date _____

original application number _____

original filing date _____

☐

resulted from the entry into the U.S. under 35 U.S.C. 371 of international application _____

filed on _____

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CERTIFICATE OF MAILING (37 CFR 1.89(a))

I hereby certify that this paper (*along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class main in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

January 31, 2011

Date

Sima S. Patel

Signature

Sima S. Patel

Typed or Printed Name of Person Signing Certificate

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1. SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input type="checkbox"/> \$ _____	3 ½ yr fee	(1551)	<input type="checkbox"/> \$ 490.00	3 ½ yr fee	(2551)
<input type="checkbox"/> \$ _____	7 ½ yr fee	(1552)	<input type="checkbox"/> \$ 1,240.00	7 ½ yr fee	(2552)
<input type="checkbox"/> \$ _____	11 ½ yr fee	(1553)	<input checked="" type="checkbox"/> \$ 2,055.00	11 ½ yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ 2,055.00

4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) of \$ 1,640.00 (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of a maintenance fee.

SURCHARGE FEE BEING SUBMITTED \$ \$1,640.00

5. MANNER OF PAYMENT

☒ Enclosed is a check for the sum of \$ 3,695.00

☐ Please charge Deposit Account No. _____ the sum of \$ _____

☐ Payment by credit card. Form PTO-2038 is attached.

6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

☒ The Director is hereby authorized to charge any maintenance fee, surcharge or petition deficiency to Deposit Account No. 04-0838

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7. OVERPAYMENT

As to any overpayment made please

- OR
- ☒ Credit to Deposit Account No. 04-0838
- ☐ Send refund check

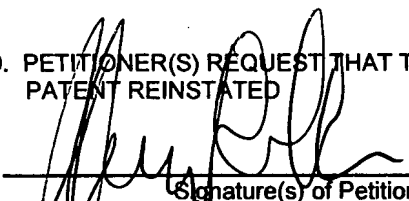
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Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

8. STATEMENT

The delay in payment of the maintenance fee to this patent was unintentional.

9. PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED



Signature(s) of Petitioner(s)

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Typed or printed name(s)

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Telephone Number

1/31/11

Date

32,559

Registration Number, if applicable

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Address

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37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

ENCLOSURES

- ☒ Maintenance Fee Payment
- ☒ Surcharge under 37 CFR 1.20(i)(2) (fee for filing the maintenance fee petition)
- ☒ Copy of the Cover Page of Patent



US005840285A

United States Patent ^[19]

Fogel

[11] **Patent Number:** **5,840,285**
 [45] **Date of Patent:** **Nov. 24, 1998**

[54] **DERMATOLOGICAL COMPOSITIONS
 USING A SERIES OF UNUSUALLY SAFE
 ESTERS AS COSMETIC EMOLLIENTS
 WITH UNIQUE AND IDEAL PHYSICAL
 PROPERTIES**

[75] **Inventor:** **Arnold W. Fogel**, Upper Saddle River,
 N.J.

[73] **Assignee:** **Bernel Chemical Co., Inc.**, Englewood,
 N.J.

[21] **Appl. No.:** **154,562**

[22] **Filed:** **Nov. 19, 1993**

Related U.S. Application Data

[63] Continuation-in-part of Ser. No. 806,927, Dec. 11, 1991,
 abandoned.

[51] **Int. Cl.⁶** **A61K 7/025**

[52] **U.S. Cl.** **424/64; 424/63; 514/547;
 514/785; 514/873**

[58] **Field of Search** **514/547, 785,
 514/873; 424/64, 63**

[56] References Cited

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 Amaya et al, 1990.

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Attorney, Agent, or Firm—Henry D. Coleman; R. Neil
 Sudol

[57] ABSTRACT

This invention introduces a series of esters to be used as emollients in cosmetic formulations. These are C₁₂–C₁₅ blended alcohol esters, C₁₆, C₁₈, C₂₀ and C₂₀ alcohol esters of fumaric and maleic acids.

When used "neat" or in formulations they are unusually safe by standard cosmetic tests. A unique and ideal physical property of the C₁₂–C₁₅ blend alcohol ester of fumaric acid is that it is a solid melting at body temperature.

These esters, with their safety and physical properties, introduce the cosmetic chemist to new ideal cosmetic emollients for use in any cosmetic formulation.

10 Claims, No Drawings